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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. 2:00-CR-229-PMP-VCF
)	
v.)	
)	
WALLACE BYERS,)	
)	
Defendants.)	

**AMENDED MOTION FOR SUPPLEMENTARY PROCEEDINGS (EXAMINATION
OF JUDGEMENT DEBTOR)**

The United States of America, by and through Daniel G. Bogden, United States Attorney, and Brian Pugh, Assistant United States Attorney, moves this Honorable Court for an order requiring defendant, Wallace Byers, to appear before a United States Magistrate Judge at a time and place to be set by the court for examination supplementary to judgment pursuant to Rule 69 of Fed. R. Civ. P. and N.R.S. 21.270.

POINTS AND AUTHORITIES

The Federal Debt Collection Procedure Act ('FDCPA') is "the exclusive civil procedures for the United States ... to recover a judgment on a debt." 28 U.S.C. § 3001(a) (1). A debt is an amount owed "to the United States on account of ...[an]other source of indebtedness to the United States...." 28 U.S.C. § 3002(3)(B). A judgment is "a judgment ... entered in favor of the United States in a court and arising from a ... criminal proceeding...." 28 U.S.C. § 3002(8). A criminal money judgment against a defendant is a judgment entered as a debt in favor of the Government. *See* 28 U.S.C. § § 3001(a) (1), 3002(3)(B) and (8), 3201, and 3202(a). The creation, duration and renewal of judgment liens are part of Subchapter C. *See* 28 U.S.C. § § 3201 and 3202(a). Since judgments include criminal money judgments, the judgment lien is good for 20 years and can be renewed for another 20 years. *See* 28 U.S.C. § § 3002(8), 3201, and 3202(a).

Defendant's debt is a judgment upon which the United States can collect and use any and all remedies identified in the FDCPA, including discovery as to the debtor's financial condition. *See* 28 U.S.C. § 3015.

CONCLUSION

Wherefore, the United States respectfully requests that this Court order a judgment debtor examination of the defendant.

This motion is based upon the attached Declaration and the pleadings and papers on file herein.

DATED this 9th day of September, 2014.

DANIEL G. BOGDEN
United States Attorney

/s/ Brian Pugh
BRIAN PUGH
Assistant United States Attorney

DECLARATION

FOR MOTION FOR SUPPLEMENTARY PROCEEDINGS
(EXAMINATION OF JUDGMENT DEBTOR)

STATE OF NEVADA)
)
COUNTY OF CLARK)

Kim Bush, declares pursuant to 28 U.S.C. §1746 under penalty of perjury that the foregoing is true and correct.

1. I am a Legal Assistant in the Financial Litigation Unit for the United States Attorney's Office, District of Nevada. I have custody of the records in this office pertaining to this collection matter.
2. Judgment was entered, for the plaintiff and against defendant on, April 2, 1997, for the sum of \$921,900.00, together with interest thereon from the date of judgment and court costs.
3. Wallace Byers resides within the jurisdiction of this Court.
4. The judgment has not been satisfied, vacated, reversed, or barred by the Statute of Limitations, and is one on which execution may properly issue.
5. The judgment remains unpaid.

/s/Kim Bush
Kim Bush
Legal Assistant
Financial Litigation Unit

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
Plaintiff,) Case No. 2:00-CR-229-PMP-VCF
)
v.)
)
WALLACE BYERS,)
)
Defendants.)

**ORDER FOR SUPPLEMENTARY PROCEEDINGS OF JUDGMENT
DEBTOR EXAMINATION**

On plaintiff's motion and good cause appearing, the defendant, Wallace Byers, is hereby
Ordered to appear before the United States Magistrate in courtroom ^{3D}_____, Lloyd D. George Federal
Courthouse, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, on the ^{22nd}_____
day of ^{October}_____, 2014 at ^{10:00 a.m.}_____, to then and there answer upon oath concerning the
property of the defendant and for such other proceedings as there may occur consistent with proceedings
supplementary to execution.


It is further ordered that you, the defendant, bring to the hearing the following:

1. Your three most recent federal income tax returns with their attachments.
2. Copies of all personal and business financial statements concerning checking and savings accounts for the past twelve months.
3. A copy of the titles to all you and your spouses' vehicles, automobiles, boats, aircraft, etc
4. Copies of your earnings statements (i.e. paychecks) for the past twelve months.
5. Copies of your bills for the past twelve months to verify statements on the financial form.

1 It is further ordered that a copy of this order shall be served upon the defendant by the
2 United States Marshall or private process service at least 3 weeks ~~calendar days~~ before the
3 hearing scheduled herein.

4 Failure to appear may subject you, the defendant, to punishment for contempt of court.

5
6 DATED this day of September 18 2014.

7
8 
9 _____
10 United States Magistrate Judge

11
12 SUBMITTED BY:

13 DANIEL G. BOGDEN
14 United States Attorney

15 /s/ Brian Pugh
16 BRIAN PUGH
Assistant United States Attorney

IT IS FURTHER ORDERED that the government must
provide a court reporter for the Judgment Debtor
Examination on October 22, 2014 at 10:00 a.m.
IT IS FURTHER ORDERED that service of process
on Defendant must be lodged with the court by
October 6, 2014.